



TOWN OF EAST HAMPTON

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Planning Department
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SITE PLAN INITIAL EVALUATION

80 Firestone Road
SCTM#300-017-01-05
80 Firestone Road, Montauk
App # A0520160034

Prepared by: Brian Frank, Chief Environmental Analyst *BF*

Date: July 16, 2020

1. APPLICATION INFORMATION

A. INFORMATION RECEIVED:

A cover letter from Joel Halsey dated 4/21/20, stamped received 4/24/20
Site Plan prepared by George Walbridge Surveyors, PC revised, 4/13/20;
Building plans prepared by Stelle Lomont Rouhani Architects (21 pgs.),
revised 10/19/18; stamped received 4/24/20
LaGuardia Design Landscape plan (sheet L3.1), dated 9/15/16, stamped
received 4/24/20

B. **DATE SUBMITTED:** April 24, 2020

C. **OWNER:** 80 Firestone LLC

D. **APPLICANT/AGENT:** Joel Halsey

E. **SCHOOL DISTRICT:** Montauk

F. **STREET NAME:** Firestone Road

G. **TYPE OF STREET:** Private

H. **ZONING DISTRICT:** Resort (RS)

I. **SEQRA - TYPE OF ACTION:** Unlisted

J. **INVOLVED AGENCIES:** Architectural Review Board, Suffolk County
Department of Health Services (SCDHS), Zoning Board of Appeals

K. **OTHER REVIEW:** Office of Fire Prevention, Suffolk County Planning
Commission

2. DESCRIPTION OF PROJECT

A. **PROPOSED USE(S) AS CLASSIFIED BY TOWN CODE:** Resort

B. **EXISTING USE(S) AS CLASSIFIED BY TOWN CODE:** Resort

C. **ARE THE EXISTING & PROPOSED USES PERMITTED OR**

SPECIAL PERMITTED BY THE TOWN CODE? Special permit/special permit.

- D. AREA OF PARCEL (SQUARE FEET):** 48,478 sq. ft. (total); 41,679 sq. ft. as defined by the Town Code
- E. MOST RECENT CERTIFICATE OF OCCUPANCY:**
6/15/15-C.O 30465 (5348) - BONZO'S BUNGALOWS INC - FOUR (4) 392 SQ. FT. RESORT MOTEL UNITS WITH 112 SQ. FT. WOOD DECK CONTAINING EACH ONE KITCHEN.
- F. DESCRIPTION OF EXISTING STRUCTURES:** See above
- G. DESCRIPTION OF PROPOSED STRUCTURES:** Four separate resort units as described in more detail below
- H. EXISTING & PROPOSED LOT COVERAGE:** Existing: 4% (1,670 sq. ft.), proposed: 9.86% (4,110 sq. ft.)
- I. EXISTING & PROPOSED TOTAL COVERAGE:** Existing: 13.7% (5,695 sq. ft.), proposed: 23.3% (9,679 sq. ft.)
- J. HEIGHT OF PROPOSED STRUCTURES:** approximately 20' above grade
- K. NUMBER OF STORIES OF PROPOSED STRUCTURES:** 1
- L. NUMBER OF EXISTING PARKING SPACES:** Undefined
- M. NUMBER OF PARKING SPACES REQUIRED:** 1.25 per bedroom (5 total)
- N. TOTAL PARKING SPACES PROVIDED:** 7
- O. VARIANCES REQUIRED:** A variance from § 255-11-88 is required to permit four (4) separate resort structures (units) where transient motel standards require resort units to be located in multiple unit structures.
- P. DOES EXISTING & PROPOSED LIGHTING COMPLY WITH BOARD POLICY?** A lighting plan has not yet been submitted
- Q. DISTANCE TO PUBLIC WATER:** Approximately 117' southeast of property at Fleming Road
- R. SOURCE OF WATER SUPPLY:** Public water proposed
- S. METHOD OF WASTE DISPOSAL:** Fuji Clean CEN7 On Site Wastewater Treatment System
- T. DO SANITARY CALCULATIONS COMPLY WITH SCDHS STANDARDS?** Yes
- U. NUMBER OF ACCESS POINTS:** 2
IS SIGHT DISTANCE ACCEPTABLE? To be determined

3. **SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 255 (LIST ITEMS AND SECTION FOR THOSE ITEMS NOT SUBMITTED)**
See issues for discussion below

4. **SITE ANALYSIS:**

- A. SOIL TYPE:** Montauk loamy sand, sandy variant, 15-35% slopes (MnE), Bridgehampton silt loam, till substratum, 6-12% slopes (BhC), Beaches (Bc)
- B. FLOOD HAZARD ZONE:** VE and X flood zones

- C. **DESCRIPTION OF VEGETATION:** Extensively cleared landward of the bluff crest, densely vegetated with a mix of native and invasive shrubs and vines near and seaward of the bluff crest.
- D. **RANGE OF ELEVATIONS:** 2' – 43' above sea level (asl)
- E. **NATURE OF SLOPES:** gently sloping landward bluff crest, steeply sloped along portions of the northern lot line
- F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** tidal and freshwater
SETBACK FROM ANY WETLAND OR WATER BODY: >150'
- G. **ARE THERE TRAILS ON SITE?** No
- H. **DEPTH TO WATER TABLE:** greater than 28'
- I. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** None have been identified
- J. **IS THE SITE CONTAINED WITHIN:**

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	No
PEP CLPS list	Yes
Town Community Preservation Fund List	No
Scenic Area of Local Significance	Yes
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	Yes

Other Background Information:

Property History and Physical Setting

The property is currently improved with four 392 sq. ft. motel units with 112 sq. ft. of decking constructed pursuant to a 1967 building permit. The improvements appear to be served by a private well in the western portion of the property. The current sanitary system appears to be two cesspools located roughly in the center of the property. The property is located along the northeastern shoreline of Fort Pond Bay within the Montauk Downs Scenic Area of Local Significance. The adjoining properties to the north and south are also in the Resort zoning District. Firestone Road is an unpaved private road and the properties on the east side of Firestone Road are in an A-Residential zoning district. The property appears to have been acquired by the current owner in July 2015.

An application to demolish the existing structures and construct three separate resort units, each with a swimming pool, patio and roof deck, was the subject of Planning Board discussion in October, 2016. That application has been revised as described below. Since that time the property appealed the location of the bluff crest, which had been identified by the Natural Resources and Planning Departments along a portion of the northern side yard lot line dating back to 1989. The Zoning Board determination, filed 11/11/17, was a 2-2 default denial to overturn the Principal Building Inspector. Pursuant to an Article 78 filed by the applicant, the Supreme Court in Suffolk County annulled the

Board's determination, resulting in the bluff crest location depicted on the above referenced survey. Copies of the Zoning Board determination, Court determination or other documents can be provided to the Planning Board upon request.

Description of Proposed Improvements

The application proposes the demolition of all of the existing improvements and the construction of four separate resort units. Each unit is proposed to consist of a 662 sq. ft. unfinished basement, 600 sq. ft. first floor, 578 sq. ft. patio, 668 sq. ft. roof deck and hot tub. The application also proposes a 4' x 37' staircase from the bluff crest to the shoreline which will require a Natural Resources Special Permit from the Zoning Board of Appeals and Coastal Erosion Hazard Area and Tidal Wetland permits from the New York State Department of Environmental Conservation (NYSDEC).

Issues for Discussion:

Compliance with Special Permit Standards for Resort Units

Section 255-5-50 (Specific standards and safeguards) sets forth four minimum criteria for the Resort Special Permit use:

- (1) There shall be no less than 7,260 square feet of lot area devoted exclusively to the resort use for each dwelling unit. [Amended 3-16-1985 by L.L. No. 8-1985]
- (2) The average maximum number of bedrooms shall not exceed 2.25 per unit in any proposal, and in no case shall there be more than three bedrooms in any unit.
- (3) The maximum habitable floor area of any dwelling unit shall not exceed 1,200 square feet, and the minimum shall be 450 square feet. The average such area for all units on the site shall not exceed 1,000 square feet.
- (4) Every provision contained in Subsections (4) and (5) of the subsection entitled "Transient Motel" in § 255-11-88 of this chapter shall apply to this special permit. No special permit shall issue unless it is determined that all of the conditions in said provisions can be met and will be adhered to by the proposed resort use.

The proposed units appear to comply with the first three requirements. The four resort units require 29,040 sq. ft. of lot area devoted to the resort use and the property contains 41,679 square feet. Each unit shows one bedroom on the floor plans comprising 600 sq. ft.

Subsection (4) of 255-11-88 states:

All units shall be in multiple-unit structures, and the site shall not be subdivided for the purpose of creating individual lots or sites for the creation of single-family residences or units.

The site plan shows a separate unit layout, with each unit having its own accessory structures. In a 10/29/19 Interpretation issued at the request of the applicant, the Principal Building Inspector confirmed that that Transient Motel units "*shall be in*

multiple unit structures.” The applicant has indicated their intent to apply for a Variance from the Zoning Board from this Special Permit requirement.

The Planning Department notes that resort units and transient motels are only allowable within Resort zoning districts in the Town and Resort zoning districts are relatively limited. One of the purposes of requiring that resort units be within multiple unit structures was to ensure that the units were utilized to support the motel industry and not in separate structures that are more conducive to longer term housing.

Subsection (5) of § 255-11-88 requires expanded site plan review for the Resort use and includes the following criteria:

(a) During the course of its review as a part of site plan review, the Architectural Review Board shall review the design, scale and appearance not only of particular units or structures, but also of the entire facility, especially with regard to its overall compatibility with present and potential uses of adjacent properties and structures, and with the character of the neighborhood generally. The Review Board shall approve only facilities whose design and scale are found to be so compatible.

(b) The Planning Board shall review the site plan to ensure the installation of adequate sanitary waste disposal and water supply facilities and the maintenance of same. Such facilities must be designed so as to protect the groundwater reservoir from pollution, avoid saltwater intrusion into the aquifer on or off the site and not result in excessive water demand detrimental to neighboring properties or the environment.

Approval of proposed sewage disposal and water supply facilities by any other governmental agency shall not in itself be deemed to compel the Planning Board to find that the requirements of this subsection have been met, unless the Board shall find that the environmental and community water supply protection goals of this section and this chapter have actually been achieved by such approval. Also, the Board may condition site plan approval on additional reasonable requirements beyond those which may have been called for by other governmental agencies having jurisdiction.

(c) The size, scale or configuration of a proposed motel must be found not to:

[1] Create an undue increase in traffic congestion on adjacent and nearby public streets or highways.

[2] Create, or increase levels of, soil erosion by water or wind on or near the site.

[3] Create or expand a floodplain area or increase the danger to public safety by flooding in any such area.

[4] Decrease or destroy the fertility of the land, particularly of agricultural lands or wetlands, if the same are involved or likely to be affected or give rise to any long-term risk to the fertility of such lands.

[5] Cause or lead to the pollution of harbors, creeks, bays or other productive water bodies on or off the site.

(d) All intensive outdoor activities planned for the site shall be capable of being located on the property such that each of the same, together with the noise and other effects generated thereby, will be reasonably screened from adjacent properties and compatible with existing and potential uses thereon. Where such an adjacent property is a residential property or any property with an occupied residence, complete screening of the activity and its effects shall be deemed necessary to meet this requirement.

(e) Outdoor lighting shall be contained on the site, and in order to assure that light sources are not visible from neighboring lots, no such source shall be more than 10 feet above the ground level underneath it.

(f) There shall be no outdoor public-address or music system audible beyond the limits of the site.

(g) The Planning Board shall condition site plan approval upon compliance of the proposed transient motel or addition thereto with all of the above conditions, as well as with all provisions of the State Environmental Quality Review Act and Chapter 128 of this Code

The Board should ensure compliance with these criteria prior to final site plan approval.

Disturbance to Steep Slopes

The northwest corner of the Unit "1B" is proposed within an area of steep slopes that are currently densely vegetated. The extent of proposed clearing is limited to only 3' from the proposed building and deck and it is likely that the extent of clearing and grading has been underestimated. The applicant should be encouraged by the Board to more accurately depict the extent of disturbance necessary to construct the unit as proposed or reconfigure the location of the unit to avoid disturbing this slope.

Wastewater and Water Supply

The subject and neighboring properties appear to be served by private water supply wells and the application proposes to extend public water to the property. The nearest public water main appears to be a 12" diameter main located roughly 120' south of the property along Fleming Road.

Sanitary system plans emailed to the Planning Department indicate a Fuji Clean CEN7 On Site Wastewater Treatment System is proposed in the southeast corner of the property to serve all four proposed units. The plans indicate that public water will be extended 235' to serve the property and that the adjoining property to the north (SCTM: 300-017-02-08). The plans indicate a sanitary flow of 150 gallons/day per unit for a total sanitary flow of 600 gallons/day.

Parking & Access

The property is located along a private, unpaved road. The survey, building plans and landscaping plans depict parking oriented diagonally and separate ingress and egress locations in the northern and southern portions, respectively of the property. The sanitary plan indicates a gravel driveway is proposed and it is unclear if that includes the parking spaces as well. One Americans with Disabilities Act (ADA) compliant space is proposed and will need to consist of a paved surface with an improved access to the closest unit to comply with the Act. The site plan should be revised to indicate this.

Lighting

It does not appear that outdoor lighting detail has been submitted to date and the applicant should prepare and submit a lighting plan that complies with the Town Code and the Planning Board's Guidelines for Exterior Lighting.

Landscaping

The LaGuardia Design landscape plan indicates locations for a proposed lawn in the western portion of the property, proposed "meadow" areas and locations where trees and shrubs are proposed to be planted in the eastern portion of the property. The Planning Department respectfully offers that the proposed meadow neither satisfies the Town Code's definition of revegetation nor is a practical proposal around the perimeter of the units which would be connected by grass paths. The meadow is proposed to consist of

switchgrass (*Panicum virgatum*) a hearty, native bunch grass with high habitat value. Tall grasslands are preferred habitat for all of East Hampton's tick populations. The Culloden Point area, nearby to the north, has long been known for its extremely high concentration of ticks and that condition is likely anywhere a tall grass meadow is established. The clearing boundary should be reconfigured accordingly. The department notes that the tree and shrub species proposed around the units are native and often found within this area of Montauk.

Architectural Review Board

The application has been referred to the ARB. The Board should consider discussing the aesthetics of the proposed units and their compatibility with the character of the neighborhood and may wish to send comments to the ARB at this time.

SEQRA

Pursuant to SEQRA and Chapter 128 of the Town Code the proposed project is an Unlisted action. The Planning Department recommends that the Board declare Lead Agency status.

Conclusion

In conclusion, the application is incomplete pending the resolution of the aforementioned issues and the submission of the required items.

BF

Planning Board Consensus

1. *Does the Planning Board wish to send comments to the Zoning Board regarding the required variance from the Transient Motel Special Permit standards at this time?*

Additional comments: _____

2. *Does the Planning Board wish to require additional details regarding the extent of clearing and grading that may be necessary on the north side of Unit 1B?*

Additional comments: _____

3. *Does the Planning Board wish to require the applicant to revise the ADA parking space and verify compliance with ADA standards?*

Additional comments: _____

4. *Does the Planning Board wish to obtain a revised landscaping plan that amends the proposed clearing boundary and revegetation standards more consistent with the Town Code?*

Additional comments: _____

5. *Does the Planning Board wish to declare lead agency status?*

Additional comments: _____

6. *Should a lighting plan which meets the requirements of the Town Code and the Planning Board's Guidelines for Exterior Lighting be submitted?*

Additional comments: _____

7. *Does the Planning Board wish to send written comments to the Architectural Review Board at this time?*

Additional comments: _____

Additional Board Comments:



RESORT:

(1) There shall be no less than 7,260 square feet of lot area devoted exclusively to the resort use for each dwelling unit. [Amended 8-16-1985 by L.L. No. 8-1985]

(2) The average maximum number of bedrooms shall not exceed 2.25 per unit in any proposal, and in no case shall there be more than three bedrooms in any unit.

(3) The maximum habitable floor area of any dwelling unit shall not exceed 1,200 square feet, and the minimum shall be 450 square feet. The average such area for all units on the site shall not exceed 1,000 square feet.

(4) Every provision contained in Subsections (4) and (5) of the subsection entitled "Transient Motel" in § 255-11-88 of this chapter shall apply to this special permit. No special permit shall issue unless it is determined that all of the conditions in said provisions can be met and will be adhered to by the proposed resort use.

TRANSIENT MOTEL

(1) There shall be no less than 3,630 square feet of lot area devoted exclusively to the motel use for each motel unit. [Amended 8-16-1985 by L.L. No. 8-1985]

(2) The maximum habitable floor area of any dwelling unit shall not exceed 600 square feet, and the minimum shall be 325 square feet. The average such area for all units on the site shall not exceed 450 square feet.

(3) The units, and the entire facility, shall strictly adhere to the description of a transient motel in Article I hereof, and cooperative, condominium and other similar types of ownership and use of the facility, or of units therein, are forbidden.

(4) All units shall be in multiple-unit structures, and the site shall not be subdivided for the purpose of creating individual lots or sites for the creation of single-family residences or units.

(5) There shall be expanded site plan review for this use:

(a) During the course of its review as a part of site plan review, the Architectural Review Board shall review the design, scale and appearance not only of particular units or structures, but also of the entire facility, especially with regard to its overall compatibility with present and potential uses of adjacent properties and structures, and with the character of the neighborhood generally. The Review Board shall approve only facilities whose design and scale are found to be so compatible.

(b) The Planning Board shall review the site plan to ensure the installation of adequate sanitary waste disposal and water supply facilities and the maintenance of same. Such facilities must be designed so as to protect the groundwater

reservoir from pollution, avoid saltwater intrusion into the aquifer on or off the site and not result in excessive water demand detrimental to neighboring properties or the environment. Approval of proposed sewage disposal and water supply facilities by any other governmental agency shall not in itself be deemed to compel the Planning Board to find that the requirements of this subsection have been met, unless the Board shall find that the environmental and community water supply protection goals of this section and this chapter have actually been achieved by such approval. Also, the Board may condition site plan approval on additional reasonable requirements beyond those which may have been called for by other governmental agencies having jurisdiction.

(c) The size, scale or configuration of a proposed motel must be found not to:

[1] Create an undue increase in traffic congestion on adjacent and nearby public streets or highways.

[2] Create, or increase levels of, soil erosion by water or wind on or near the site.

[3] Create or expand a floodplain area or increase the danger to public safety by flooding in any such area.

[4] Decrease or destroy the fertility of the land, particularly of agricultural lands or wetlands, if the same are involved or likely to be affected or give rise to any long-term risk to the fertility of such lands.

[5] Cause or lead to the pollution of harbors, creeks, bays or other productive water bodies on or off the site.

(d) All intensive outdoor activities planned for the site shall be capable of being located on the property such that each of the same, together with the noise and other effects generated thereby, will be reasonably screened from adjacent properties and compatible with existing and potential uses thereon. Where such an adjacent property is a residential property or any property with an occupied residence, complete screening of the activity and its effects shall be deemed necessary to meet this requirement.

(e) Outdoor lighting shall be contained on the site, and in order to assure that light sources are not visible from neighboring lots, no such source shall be more than 10 feet above the ground level underneath it.

(f) There shall be no outdoor public-address or music system audible beyond the limits of the site.

(g) The Planning Board shall condition site plan approval upon compliance of the proposed transient motel or addition thereto with all of the above conditions, as well as with all provisions of the State Environmental Quality Review Act and Chapter **128** of this Code

§ 255-5-26 **Substantial expansion of existing special permit uses.**

[Amended 12-18-1997 by L.L. No. 40-1997]

Notwithstanding any language to the contrary in the preceding section, an existing special permit use as described therein shall require a special permit in any case where a substantial expansion of such use is undertaken. In such case, the local agency having jurisdiction over the special permit needed for the expansion shall review and decide upon the application for such permit pursuant to the same substantive and procedural standards as are provided for herein for an original special permit. Any special permit issued to authorize a substantial expansion of an existing special permit use shall be conditioned upon conformance by the use to any standards (other than standards concerning initial site location) of §§ 255-5-40, 255-4-45 and 255-5-50 of this article with which it does not then comply

A. **Structure.** A substantial expansion of a structure shall be deemed to occur in the following circumstances: [Amended 5-15-1998 by L.L. No. 20-1998]

(1) Gross floor area: upon making an addition to the structure which increases its gross floor area by 50% or more over the gross floor area which the structure had on the date it first became subject to the provisions of this chapter regulating or limiting its substantial expansion.

(2) Value: upon making an addition to the structure or undertaking a reconstruction, rehabilitation or other improvement of the structure, the cost of which equals or exceeds 50% of the market value of the structure prior to making or undertaking the addition, reconstruction, rehabilitation or other improvement. For the purposes of this provision, if the addition, reconstruction, rehabilitation or other improvement is made following damage to the structure, the market value of the structure shall be that which it had before the damage occurred. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety codes and which are solely necessary to assure safe living conditions; or

(b) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

B. **Use.** A substantial expansion of a use shall be deemed to occur in either of the following circumstances:

(1) Where the use has never previously been made subject to the provisions of this chapter regulating or limiting its "substantial expansion," when there is a "substantial expansion" under either Subsection A(1) or (2) above, of either the principal building or structures or of the aggregate of all buildings and structures on the lot.

(2) Where the use has previously undergone a "substantial expansion" subject to the provisions of this chapter and has been regulated accordingly, when either:

(a) There is an increase of 25% or more in the gross floor area of the principal building or structure or of the aggregate of all buildings and structures on the lot (based upon the gross floor area existing after the previously regulated "substantial expansion"); or

(b) There is an addition of any improvement having a value equal to or greater than 25% of the existing fair market value of either the principal building or structure or of the aggregate of all buildings and structures on the lot.

C. Passenger ferry terminals. In addition to the other provisions of this subsection regarding substantial expansion of structures or uses, a substantial expansion of a passenger ferry terminal shall be deemed to result from any increase in ferry passenger capacity, as defined in this chapter. Such increase shall be regarded as a substantial expansion regardless of its magnitude and regardless of whether it is due to an increase in the number of ferries using the terminal, the replacement of one ferry with another having a larger capacity, an increase in the capacity of an existing ferry, an increase in the number of ferry trips daily or other cause.

[Added 12-18-1997 by L.L. No. 40-1997]

D. Substantial improvement. The term "substantial expansion" shall be deemed also to include or to refer to the term "substantial improvement."